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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,063	04/13/2004	Renate Fruchter	S03-359	6079

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LUMEN INTELLECTUAL PROPERTY SERVICES, INC.
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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
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2178

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/824,063	Applicant(s) FRUCHTER ET AL.	
	Examiner Joshua D. Campbell	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-12 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/13/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Response to Restriction filed 1/29/2007 and IDS filed on 4/13/2004.
2. Claims 1-20 are pending in this case. Claims 13-20 have been withdrawn from consideration due to non-election. Claims 1-12 remain in prosecution due to the election. Claim 1 is an independent claim.

Election/Restrictions

3. Applicant's election without traverse of Group I, which includes claims 1-12 in the reply filed on 1/29/2007, is acknowledged.

Allowable Subject Matter

4. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Objections

5. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim requires that the network of claim 7 is characterized as one of a group of choices, including the Internet.

Art Unit: 2178

However, the limitation of claim 7 requires that the presentation be distributed via Internet streaming over a network, thus the network is already limited to the Internet.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1 and 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (hereinafter Smith, US Patent Number 7,096,416, filed October 30, 2000) in view of Weber et al. (hereinafter Weber, US Patent Number 5,564,005, issued on October 8, 1996).

Regarding independent claim 1 and dependent claims 11 and 12, Smith discloses simultaneously capturing a static media activity and media information, wherein the static media consists of one or more media objects and the media information consists of audio data (column 1, line 66-column 2, line 22 and column 4, line 56-column 6, line 7 of Smith). Smith discloses transcribing the audio file that includes associating timestamps with keywords or phrases within the transcript (column 1, line 66-column 2, line 22 and column 4, line 56-column 6, line 7 of Smith). Smith discloses that all of the timestamps are converted to a common time base and a selection of a starting point is made, then based on that point the static media objects, audio file, and transcript are synchronized based on the common time base (column 1, line 66-column 2, line 22 and column 4, line 56-column 6, line 7 of Smith). Once the synchronization is complete the multimedia presentation can be replayed from the starting point (column 1, line 66-column 2, line 22 and column 4, line 56-column 6, line 7 of Smith).

Smith does not disclose that the static media objects are specifically sketching activity objects. However, Weber discloses a method in which a sketching activity that includes sketching objects is recorded and timestamped to be used for multimedia synchronizations (column 4, line 33-column 7, line 20 of Weber). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Smith with the teachings of Weber because it would have provided a more advanced method of presenting and modified user generated sketching events.

Regarding dependent claim 5, Smith does not disclose importing a background image that the sketching activity annotates. However, Weber discloses that the background image that the sketching activity annotates is imported (column 4, line 33-column 7, line 20 of Weber). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Smith with the teachings of Weber because it would have provided a more advanced method of presenting and modified user generated sketching events.

Regarding dependent claims 6-10, Smith discloses that the multimedia presentation is indexed and stored in a database and distributed via real time streaming over the Internet, at which point it is viewed by the user via a graphical interface, both of which are maintained by the server computer (column 3, line 61-column 4, line 55 of Smith).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 6,415,256

US Patent Number 6,665,835

US Patent Number 7,167,191

US Patent Application Publication Number 2003/0018662

US Patent Application Publication Number 2003/0024975

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDC
March 26, 2007



STEPHEN HONG
SUPERVISORY PATENT EXAMINER